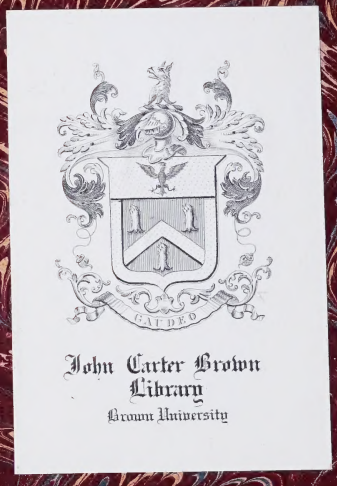
CASE OF MR. WILLIAM PATERSON,
REPORTS AND EXTRACTS
OUT OF THE REGISTER BOOKS.




John Carter Brown
Library
Brown University

MERCEIVER & SHORT
BINDERS, GREENOCK

# Mr. PATERSON's Claim
## UPON THE
# EQUIVALENT
## Consider'd,
## By Council Learned in the Law.

John Carter Brown Library

S

# REASONS

Againſt the

John Carter Brown Library

# BILL

For the Relief of

# William Paterſon Eſq;

HIS Claim is grounded on Two Heads.

Firſt, On a Preamble to Subſcriptions taken at *London* for the African Company of *Scotland*; by which Mr. *Paterſon* is allowed to have a *Premium* of Two *per Cent.* out of the Capital Stock, and Three *per Cent.* out of the Profits for Twenty One Years.

The ſaid Preamble is of no Validity to ſupport Mr. *Paterſon*'s Claim. And that for the following Reaſons.

Firſt, It could only bind the particular Subſcribers, and not the Company; unleſs it had been ratified by the Company. The Perſons who were impower'd to take in Subſcriptions, having no Power or Authority to diſpoſe of any of the Stock.

Secondly, Mr. *Paterſon* himſelf, about Three Weeks after the Books for taking Subſcriptions had been opened at *London*, voluntarily executed, under his Hand and Seal, a Releaſe of all that he could claim by Virtue of that Preamble; * and that upon a Repreſentation made by ſome of the Nominees, who repreſented the Diſcouragement the Undertaking would meet with, if the Subſcriptions were clogged with ſuch an extravagant Grant.

* *The Releaſe bears date* November 29. 1695.

Thirdly,

Thirdly, All the Proceedings had in taking Subſcriptions at † *December* 1695. *London*, were declared by the Houſe of Commons † at that time to be null and void, and the Subſcribers to be free from all manner of Tie or Obligation by Virtue of the ſame. Upon which all the Engliſh Subſcriptions were relinquiſhed by the Subſcribers; and not One Six-pence of them ever paid in to the Company.

Fourthly, The Stock of the Company conſiſted wholly of Subſcriptions taken in *Scotland*; the Preamble to which makes no mention of any Premium to Mr. *Paterſon*.

Fifthly, The Stock ſubſcribed for was only 400000 *l.* and not above One Fourth Part of that paid in. Whereas Mr. *Paterſon*'s Claim is for 2 *per Cent.* out of 600000 *l.*

The Second Ground of Mr. *Paterſon*'s Claim is an Order of the Directors of the Company, bearing date the 6th of *October* 1696. Whereby it is agreed, " That Mr. *Paterſon* ſhould be allow'd to " transfer and diſpoſe of the Sum of Fifteen Thouſand Pounds " Sterling of the Engliſh Subſcriptions, that were not then diſ- " poſed of by the ſaid Court of Directors, and to take and " apply to his own proper Uſe, the firſt Quarterly Payment " thereof, extending to the Sum of 3750 *l.* together alſo with " the like further Sum of 3750 *l.* being the firſt Quarter Part " of the Sums ſubſcribed by him the ſaid *William Paterſon*, and " *Meſſieurs James Smith*, *Daniel Lodge*, *James Campbell*, and " *Joſeph Cohen D'Azavedo*, Merchants in *London*. But the ſame Order bears, that it ſhall not take effect, *unleſs it be ratified and approved by the General Council of the Company.*

Nothing can be claimed by Virtue of the foreſaid Order of Directors. And that for theſe Reaſons.

Firſt, This Order was never confirmed by the General Council; but on the contrary rejected with Diſdain, and the Directors enjoined not to proceed any farther therein. And that with very good Reaſon, ſeeing ſuch a Grant was expreſly contrary to the Act of Parliament conſtituting the Company; by which it is directed, that no one Perſon ſhall have above 3000 *l.* Stock in the Company; and here the Directors would have given to Mr. *Paterſon* 7500 *l.* at one daſh.

2ly, Altho' this Order had been approved by the General Council; yet Mr. *Paterſon* could claim nothing by it, becauſe he did not perform the Condition upon which it was granted. He did not *transfer and diſpoſe* the Sum of 15000 *l.* of the Engliſh Subſcriptions, out of which he was allowed to take the Fourth Part. He did not procure the Sums ſubſcribed by himſelf, and Friends, to be paid in to the Company; and therefore can have no Claim to the firſt Quarter Part of the ſame.

Thirdly, If any Share of the Stock had been veſted in Mr. *Paterſon* by Virtue of this Order, would not he have had Credit given him for it on the Books of the Company? He himſelf being one of the Directors, would have taken care to have Juſtice done to himſelf in the Books of the Company, if he had

had

had any thing to Claim. But he had no Credit given him on the Books, and therefore cannot be reckoned a Creditor.

Upon his former Application to the Parliament of *Great Britain* for Relief in this matter, the Parliament was pleaſed to refer him to the Barons of Exchequer in *Scotland*, that he might inſtruct his Demand in a legal manner before them, and that they might certify what was due to him. He gave in his Demand there, but could not prove any thing to be due to him; neither did they Certify any thing to be due.

The Proofs of what is urged againſt Mr. *Paterſon*'s Claim, appear from the Journal of the Houſe of Commons, where Mr. *Paterſon*'s Releaſe of the Premium of 2 *l. per Cent.* ſtands recorded. And from the Order of the Directors of the 6th of *Octob.* 1696, which Mr. *Paterſon* himſelf has produced, and put into the Hands of the Clerk of the Houſe of Commons. By which it appears, that it was to have no effect, *unleſs ratified by the General Council*; and *unleſs he procured the Subſcriptions therein mentioned.* He does not offer to ſhew that the ſaid Order was ever ratified by the General Council; or that the Subſcriptions therein mentioned were ever paid in.

Mr. *Paterſon* demands an Allowance from the Company of 500 *l.* a Year, for his Services, which he computes to amount to 5250 *l.* Whilſt he was employed in the Service of the Company he had the ſame Allowance as the other Directors. There were 50 Directors in all, and if every one of them were to have the ſame Allowance which Mr. *Paterſon* now claims, it would take no leſs than the Sum of 262500 *l.* to ſatisfy them. And yet every Director is as much entitled to demand this Allowance as Mr. *Paterſon.*

All that Mr. *Paterſon* Pleads in anſwer to what is objected againſt his Claim, is a Reſolve of a former Houſe of Commons, declaring the Sum that he now demands to be due to him.

Which Sum he now pretends to have out of the Equivalent; out of a Fund that is already appropriated, by the Articles of the Union, to other uſes; and from which, it is humbly hoped, the Parliament of *Great Britain* will not think fit to divert it.

*Renun-*

*Mr.* Paterſon's *Renunciation and Releaſe.*

WHereas, by the Preamble of Subſcription to the Company of *Scotland*, Trading to *Africa* and the *Indies*, I *William Paterſon* of the Pariſh of St. *Giles* in the Fields and County of *Middleſex* Eſq; my Heirs, Executors, Adminiſtrators and Aſſigns, were to have and receive 2 *l. per Cent.* of the Sum of 600000 *l.* to be Subſcribed, and 3 *l. per Cent.* more of the Profits of the ſaid Fund for 21 Years, or 2 *l. per Cent.* more of the Sum Subſcribed ſome time in 5 Years in Lieu thereof; now know you by theſe Preſents, that I *William Paterſon* for diverſe good Cauſes and Conſiderations, me thereunto moving do for me, my Heirs, Executors, Adminiſtrators, and Aſſigns Remit, Releaſe, Acquit, Diſcharge, and quit Claim unto the ſaid Company, and all and every the Subſcribers thereunto, their Heirs, Executors, Adminiſtrators and Aſſigns, all and every Part of the ſaid 2 *l. per Cent.* of the Fund, and 3 *l. per Cent.* of the Profits mentioned in the ſaid Preamble of the Subſcriptions; in Witneſs whereof I have hereunto ſet my Hand and Seal this 29th of *November* 1695.

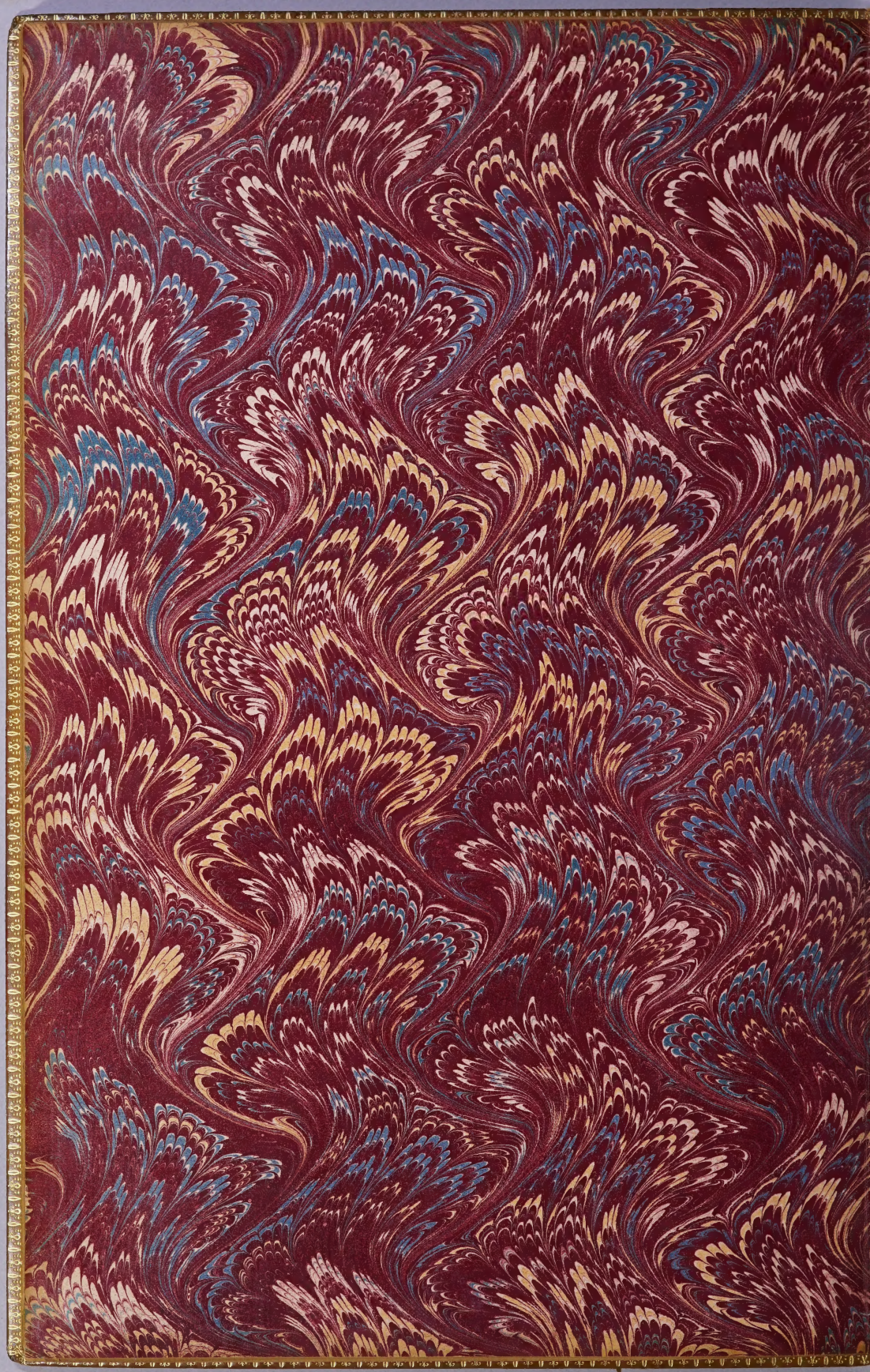
Sealed and delivered, the Paper being firſt Stamped according to Act of Parliament in Preſence of
Sic Subſcribitur

*Henry Alye*
*Joſeph Boys*
*Rod. Mackenzie*

Sic Subſcribitur
*William Paterſon*

This is a true Copy

*Rod. Mackenzie*

John Carter Brown Library

D
Scott
202